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SUBJECT: MEETING WITH ANTI-CORRUPTION COMMISSION CHAIRMAN

11. (U) On March 6, Justice Mustapha Akanbi, Chairman of the Independent Corrupt Practices and other Related Offenses Commission, (ICPC) paid a courtesy call on Ambassador Jeter. Akanbi thanked the Embassy for supporting the ICPC and briefed us on the Senate proceedings underway to amend the law that created the ICPC.

12. Justice Akanbi told the Ambassador that the Senate's effort to weaken the ICPC by legislative amendment was "not an unforeseen problem." He recalled that the legitimacy and constitutionality of the Commission were challenged when the Commission opened its first investigation against a Member of the National Assembly. The Commission encountered numerous obstacles after this investigation was launched. The National Assembly accused the Commissioners of being pawns of the Executive Branch and called them to account for all of the Commission's funds and presented other distractions. Justice Akanbi stated that most investigations against National Assembly Members were requested by other Assembly Members who presented documentary evidence to the Commission.

13. (U) Akanbi contended that the ICPC was not ignoring corruption in the Executive Branch. According to Akanbi, investigations have been initiated against at least two mid-level officials in the Executive. He challenged the Senate to send evidence against any Minister, promising to commence an immediate investigation upon receipt of credible evidence.

14. (SBU) The Independent Corrupt Practices and Other Offenses Commission (ICPC) Act 2000 was a key weapon in President Obasanjo's avowed crusade against corruption in Nigeria. Although heavily debated, the Act was eventually supported by both houses of the legislature and currently enjoys wide public support. There were credible reports that numerous lawmakers accepted payments to secure their support for the passage of the Anti-Corruption Bill. This rates as one of the greatest ironies of this lackluster legislative session. Despite these original difficulties, the ICPC steadily began to show progress. However, when it opened investigations into House Speaker Na Abba and Senate President Anyim, the ICPC provoked the ire of the National Assembly leadership. The Assembly leadership again suspected the Commission of doing the bidding of the Executive. (At that time, the Presidency was under an impeachment threat) Consequently, Assembly Members proposed an amendment to the ICPC legislation that would reduce Executive Branch control over the Commission. While the case against Speaker Na Abba seems to have been placed on the backburner, the case against Anyim has remained active thus the Senate has taken the lead in proposing the amendment.

15. (U) There are provisions in the amended bill to grant immunity to Members of the Legislature, even after they leave office. Several interest groups including the National Labor Congress, the National Bar Association and student associations have publicly opposed the new amendment contending that it would weaken the ICPC and undermine the national effort against corruption.

16. (U) Akanbi has publicly threatened to resign if the current amendment becomes law. A key change in the proposed amendment allows the Chief Justice of the Federation to appoint a serving judge as head of the Commission, albeit with the advice and consent of the Senate. This would remove Akanbi, a retired jurist, from his position as Chairman. Justice Akanbi stated that he did not question the integrity of the Chief Justice and no problem being removed as Chair of the Commission. However, he said, "the new law is designed to frustrate anti-corruption efforts and seeks to subjugate the Commission",

and he would not serve if the law were passed.

17. (U) Justice Akanbi said that he "aims to set a solid foundation" for the Commission. The Commission staff of 23 prosecutors, 26 investigators, and six advisors from the security service, is currently pursuing 17 cases involving 39 individuals. Among others, there are 14 Governors under investigation. Akanbi listed UNDP, GTZ, DFID and USAID in addition to INL among its supporters and stated that the Commission could use more staff and vehicles.

18. (U) After Justice Akanbi again thanked the Ambassador for US support, the Ambassador told Akanbi that "given the level of support from various interest groups, and the fact that four members of the House have gone to court against the amendment, the legislation may never see the light of day." The Ambassador added, "if the Commission is being made ineffective for the narrow interest of some legislators to protect themselves, it is doubtful that the US can continue to support the ICPC."

JETER